

### REMARKS

In response to the Office Action dated December 28, 2004, Applicants respectfully request reconsideration based on the following remarks. Applicants respectfully submit that the claims as presented are in condition for allowance.

Claims 13-24 are pending in this application. Claims 13-17, 19, 20, and 22-24 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,160,989 ("Hendricks") in view of U.S. Patent Pub. 2001/0049620 A1 ("Blasko"). Claim 18 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hendricks in view of Blasko as of claim 13 and further in view of U.S. Patent No. 5,630,204 ("Hylton"). Claim 21 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hendricks in view of Blasko as of claim 13 and further in view of U.S. Patent Application No. US2002/0083441 ("Flickinger"). Applicants respectfully request reconsideration of the present application in light of the above recited amendments and below recited remarks.

### *Interview Summary*

Applicants' representative, Kenneth R. Eiferman, and the Examiner discussed claim 13 of the present application in relation to the cited references in a telephonic interview on January 26, 2005. During the interview, a potential claim amendment was discussed, but no definitive agreement was reached.

### *Rejections Under 35 U.S.C. § 103(a)*

1. Claims 13-17, 19, 20, and 22-24 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,160,989 ("Hendricks") in view of U.S. Patent Pub. 2001/0049620 A1 ("Blasko"). Applicants respectfully disagree.

### **The Claimed Invention**

The claimed invention is directed to targeting advertising content to a particular viewer. According to an aspect of the invention, demographic information for the viewer is gathered at a set top box (i.e. a viewer device). A number of different categories of advertisements (i.e. sporting goods, cars, food) are sent to the set top box. Upon receiving

the different kinds of advertisements, the set top box targets a particular category of advertisement to the viewer based on the viewer's collected demographic information. For example, if the viewer is watching a football game, then the set top box may target a sporting goods advertisement to the viewer. The targeted advertisements are then sent to the viewer's television where they are displayed to the viewer.

**Importantly, in the claimed invention, the viewer's demographic information never leaves the set top box, thereby protecting the viewer's privacy.**

### **The Hendricks Reference**

Hendricks discloses a system in which advertising content is targeted to a particular viewer. The advertising content is targeted based, at least in part, on the viewer's assigned "set top terminal group" (See Fig. 20a, Element 240). The set top terminal group is assigned to the viewer based on the viewer's demographic information, which is collected by the viewer's set top terminal and then sent to a network controller for storage at the network controller (Col. 34, lines 35-40). The network controller then uses the viewer's stored demographic information to assign the viewer to a particular set top terminal group (Col. 36, lines 15-20). The network controller then transmits the viewer's assigned set top terminal group back to the viewer's set top terminal (Col. 36, lines 15-20). The viewer's set top terminal then targets advertising content to the viewer based on the viewer's assigned set top terminal group (Col. 36, lines 15-20).

**Importantly, because the set top terminal group is assigned at the network controller, the viewer's demographic information is not confined to the viewer's set top terminal. Thus, in Hendricks, the viewer's privacy is not protected.**

### **The Blasko Reference**

Blasko discloses a targeting system. When the targeting system is implemented in a television environment, user profiling is performed by a set top box. The set top box monitors the behavior of viewers and derives characteristics about the household and individual viewers. (Blasko, ¶ 104). However, this profiling data is not processed at the set top box. Rather, as explicitly disclosed in Blasko, the profiling data is "transmitted

back to head-end in a secure manner for processing." (Blasko, ¶ 105). Additionally, as noted in the Summary of the Invention section of Blasko:

"A plurality of local profilers coupled to the remote databases for processing the transactional information and generating one or more enhanced profile vectors. A secure profiling server coupled to the local profilers, receives and processes one or more of the locally generated profile vectors." (Blasko, ¶ 24).

Thus, just like Hendricks, Blasko clearly discloses that profiling data is not confined to a set top box, but, rather, is sent back to a server at the head-end for processing.

#### **Hendricks and Blasko Do Not Teach the Claimed Invention**

In contrast to the present invention, neither Hendricks nor Blasko, whether alone or in combination, teach or suggest viewer demographic data "confined to the viewer device", as recited in independent claim 13 of the present application. Indeed, to the contrary, as explained above, both Hendricks and Blasko disclose collecting viewer demographic data at a viewer device and then sending it to a server / network controller at the cable headend for processing. Thus, not only do Hendricks and Blasko not teach the claimed invention, they actually teach away from the claimed invention.

Applicants respectfully submit that dependent claims 14-17, 19, 20, and 22-24 are patentable at least by reason of their dependency.

2. Claim 18 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hendricks in view of Blasko as of claim 13 and further in view of U.S. Patent No. 5,630,204 ("Hylton"). Claim 21 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hendricks in view of Blasko as of claim 13 and further in view of U.S. Patent Application No. US2002/0083441 ("Flickinger"). Applicants respectfully disagree and submit that dependent claims 18 and 21 are patentable at least by reason of their dependency. Accordingly, reconsideration and withdrawal of the 35 U.S.C. § 103(a) rejections are respectfully requested.

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37 CFR § 1.116**

**CONCLUSION**

In view of the above remarks, Applicants respectfully submit that the present application is in condition for allowance. Reconsideration of the application and an early Notice of Allowance are respectfully requested.

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